

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAJINDER SINGH, aka JASPAL GILL,

Defendant.

CASE NO. CR22-0079-JCC

ORDER

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include (1) Grand Jury testimony; (2) witness statements; (3) tax information; (4) financial information; (5) subscriber information (including phone and utility subscriber information for third parties); and (6) other personal identifying information ("PII")<sup>1</sup> obtained during the investigation, either via Grand Jury subpoena and/or during the execution of search warrants, including but not limited to personal information about defendant and third parties (such as

<sup>1</sup> "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, locations of residences or employment, medical records, school records, juvenile criminal records, and other confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the defense.

1 photographs, including sexually suggestive photographs of family members, defendant, and/or  
2 witnesses) and other sensitive information obtained from the search of social media, cellular  
3 telephones, and other digital devices seized during the investigation (collectively, the “Protected  
4 Material”). All financial records (including phone, utility, and financial information for third  
5 parties), federal tax records, cellular telephone downloads, Grand Jury transcripts, and summaries  
6 of financial records provided during discovery will be considered Protected Material without  
further designation by the Government.

7 2. Other information believed by the Government to be Protected Material will be so  
8 designated by the Government. Said material may include, but is not limited to, information related  
9 to witnesses and third parties, criminal history reports, and related *Giglio* impeachment materials.

10 3. **Production of Protected Material to the Defense.** The United States will make  
11 available copies of the Protected Materials, including those filed under seal directly to defense  
12 counsel to comply with the government’s discovery obligations, and/or to a Coordinating  
13 Discovery Attorney, should one be appointed. Possession of copies of Protected Material is limited  
14 to attorneys of record, investigators, paralegals, law clerks, experts, and assistants for the attorneys  
15 of record, the Coordinating Discovery Attorney, should one be appointed, and his/her staff  
16 (hereinafter collectively referred to as “members of the defense team”). Further, the attorneys of  
17 record are required to provide, prior to disseminating any copies of the Protected or Sensitive  
18 Materials to members of the defense team, a copy of this Protective Order to members of the  
19 defense team and obtain written consent by members of the defense teams of their  
20 acknowledgment to be bound by the terms and conditions of this Protective Order. The written  
consent need not be disclosed or produced to the United States unless requested by the Assistant  
United States Attorney and ordered by the Court.

21 4. **Review of Protected Material by Defendant.** The attorney(s) of record and  
22 members of the defense team may share and review the Protected Material with Defendant. If  
23 Defendant is in custody at the Federal Detention Center (FDC), he/she will be permitted to review  
24 the Protected Material, consistent with the regulations established by the BOP, with or without  
25 counsel, in a controlled environment at the Federal Detention Center (FDC), but will be prohibited  
26 from printing out, copying, or disseminating the discovery. If Defendant is on pretrial release,

1 he/she will be permitted to review the Protected Material at the offices of his/her counsel, but will  
2 be prohibited from printing out, copying, or disseminating the discovery.

3       **5. Limits on Dissemination of Protected Materials.** The attorney(s) of record and  
4 members of the defense team acknowledge that providing copies of the Protected Material to  
5 Defendant and other persons is prohibited and agree not to duplicate or provide copies of the  
6 Protected Material to Defendant and other persons. This order does not limit employees of the  
7 United States Attorney's Office for the Western District of Washington from disclosing the  
8 Protected Material to members of the United States Attorney's Office, federal law enforcement  
9 agencies, witnesses, and the Court and defense as necessary to comply with the government's  
10 discovery obligations.

11       **6. Future Production of Additional Protected Materials.** Additional types of  
12 discovery items may be deemed by the parties to constitute Protected Material upon agreement, or  
13 (if no agreement can be reached) by further order of the Court.

14       **7. No Waiver.** Nothing in this order should be construed as imposing any substantive  
15 discovery obligations on the government that are different from those imposed by case law and  
16 Rule 16 of the Federal Rules of Criminal Procedure. The failure to designate any materials as  
17 provided in paragraph 2 shall not constitute a waiver of a party's assertion that the materials are  
18 covered by this Protective Order.

19       **8. Use of Protected Material in Court.** Any Protected or Sensitive Material that is  
20 filed with the Court in connection with pre-trial motions, trial, or other matter before this Court,  
21 shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does  
22 not entitle either party to seal their filings as a matter of course. The parties are required to comply  
23 in all respects with the relevant local and federal rules of criminal procedure pertaining to the  
24 sealing of court documents.

25       **9. Non-Termination.** The provisions of this Order shall not terminate at the  
26 conclusion of this prosecution. Furthermore, at the close of this case, defense counsel shall return  
the Protected Material, including all copies of the Protected Material, to the office of the United  
States Attorney, or otherwise certify that the material has been destroyed.

1           10.     **Violation of Order.** Any person who willfully violates this order may be held in  
2 contempt of court and may be subject to monetary or other sanctions as deemed appropriate by  
3 this Court.

4           11.     **Modification of Order.** Nothing in this Stipulation shall prevent any party from  
5 seeking modification of this Protective Order or from objecting to discovery that it believes to be  
6 otherwise improper. The parties agree that in the event that compliance with this Order makes it  
7 difficult for defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes  
8 an unworkable burden on counsel, defense counsel shall bring any concerns about the terms of the  
9 Order to the attention of the government. The parties shall then meet and confer with the intention  
10 of finding a mutually acceptable solution. In the event that the parties cannot reach such a solution,  
11 defense counsel shall have the right to bring any concerns about the scope or terms of the Order to  
12 the attention of the Court by way of a motion.

13           12.     **Agreement to Provide Copies of Protected Material to Defendant.** Upon  
14 agreement of counsel for the Government, members of a defense team may provide copies of  
15 specific Protected Material, or redacted versions of such material, to Defendant. When seeking the  
16 Government's agreement to give such a copy to Defendant, members of the defense team will  
17 identify with reasonable particularity, including (where available) the specific bates numbered  
18 pages and or recording descriptions, the specific material defense counsel proposes to give to  
19 Defendant. Unless expressly stated otherwise by the Government, copies of Protected Material to  
20 be provided to Defendant will continue to be Protected Material subject to all of the protections of  
21 the Court's Order, with the sole exception that a copy can be given only to Defendant (and not  
22 shared with anyone else outside the defense team). If counsel for the Government and counsel for  
23 Defendant cannot reach agreement on whether particular portions of the Protected Material or  
24 redacted versions of Protected Material should be given to Defendant under these conditions,  
25 defense counsel may raise the issue with the Court by way of a motion.

26           13.     **No Ruling on Discoverability or Admissibility.** This Protective Order does not  
constitute a ruling on the question of whether any particular material is properly discoverable or  
admissible and does not constitute any ruling on any potential objection to the discoverability of  
any material.

1           14.     **No Ruling on Timing of Production.** This Protective Order does not require the  
2 Government to provide particular discovery at a time or in a fashion inconsistent with applicable  
3 law.

4           15.     **Addition of Defendants after Entry of Order.** This Protective Order will cover  
5 additional Defendants in this case so long as they agree to be bound by the terms of this Protective  
6 Order and so indicate that consent by the execution of a supplemental stipulation, which shall be  
7 filed as an addendum or supplement to this Protective Order.

8           The Clerk of the Court is directed to provide a filed copy of this Protective Order to all  
9 counsel of record.

10           DATED this 28th day of June 2022.

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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Joseph Silvio

JOSEPH SILVIO

Assistant United States Attorney